

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 1:21-cr-0597 JB

SEVERANO CEBALLOS MARTINEZ,

Defendant.

**UNOPPOSED MOTION TO EXTEND THE DEADLINE
FOR FILING MOTIONS**

COMES NOW Defendant Severano Ceballos Martinez, by and through his counsel TMP Legal, LLC., (Timothy M. Padilla) and hereby moves the Court to extend the deadline to file motions in the above captioned court matter for ninety (90) days. As grounds Defendant states the following:

1. The Indictment (Doc. 15) was filed in this matter on April 23, 2021.
2. The arraignment was held on May 6, 2021, in which the Clerks Minutes (Doc. 18) filed on May 6, 2021 contained a motions deadline of Wednesday, May 26, 2021.
3. Defense counsel has received some discovery, and is currently reviewing the discovery, is anticipating additional discovery, and further research and investigation will be required to determine if pretrial motions are essential for the adequate defense of the Defendant.
4. Pursuant to 18 U.S.C. § 3161(h)(1)(D) the ends of justice will be served by granting this extension of the deadline to file motions. Further, the undersigned represents that the need to thoroughly investigate this case outweighs the interest of the public and the Defendant in a speedy trial. Defendant agrees to this request and waives his speedy trial rights to

the extent such waiver is necessary to grant the extension of time requested herein.

5. In *United States v. Toombs*, 574 F.3d 1262 (2009), the Court stated that a defendant by motion, must create a sufficient record to justify granting the motion to continue (requiring that the record on a motion to continue “contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time”). Counsel for the Defendant has reviewed the holding in *Toombs*, and confirms that an extension is necessary.

6. Assistant United States Attorney, Samuel A. Hurtado has been contacted and does not oppose the relief requested herein.

WHEREFORE Defendant respectfully requests this Court to extend the deadline to file motions for a period of ninety (90) days, and for any such further relief this Court deems just and proper.

Respectfully submitted:

/s/ Timothy M. Padilla
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I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was filed and delivered electronically through the CM/ECF system to all parties entitled to notice, this 26th day of May, 2021.

/s/ Timothy M. Padilla